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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,255	08/01/2001	Koichi Usui	5751 US/CPS/IBSS	8701
32588	7590	07/14/2006	EXAMINER	
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			LIVERSEDGE, JENNIFER L	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/921,255	<b>Applicant(s)</b> USUI ET AL.	
	<b>Examiner</b> Jennifer Liversedge	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 9/921,255 filed on May 11, 2006.

The amendment contains original claims: 2-6, 9, 12-13 and 18.

The amendment contains amended claims: 1, 7-8, 10-11, 14-17 and 19.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No. US 2002/0087432 A1 to Muniz (further referred to as Muniz, and further in view of U.S. Patent No. 6,151,588 to Tozzoli et al. (further referred to as Tozzoli).

Regarding claim 1, Muniz discloses the method for selling used equipment online (page 1, paragraphs 0001-0011; page 2, paragraph 0014; page 4, paragraph 0052-0053; page 12, paragraph 0152), comprising:

Receiving information representing items available for purchase (page 4, paragraph 0057-0059);

Posting the information on an electronically viewable medium (page 4, paragraph 0052-0053);

Providing technical services related to the used equipment available for purchase to at least one of the buyer and seller through an integrated online service (page 2, paragraphs 0017-0018; page 4, paragraph 0057-0059; page 5, paragraphs 0060-0063; page 6, paragraphs 0078-0080; page 7, paragraph 0083).

Muniz does not disclose where the pre-owned equipment for sale is an integrated circuit manufacturing system. However, Examiner takes Official Notice that it is old and well known to sell many types of used equipment online, such as refurbished computers. Therefore, it would be obvious to one of ordinary skill in the art that the method established for selling used equipment via an online system as disclosed by Muniz could be used for selling any type of used equipment, including an integrated circuit manufacturing system. The motivation would be to sell used integrated circuit manufacturing system equipment in an environment which facilitates an open sales arrangement to secure a sale efficiently and in a cost effective manner.

Muniz does not disclose receiving an electronically transmitted bid from a buyer; transmitting the bid to a seller, and receiving a bid acceptance from the seller.

However, Tozzoli discloses receiving an electronically transmitted bid from a buyer (column 6, line 54 – column 7, line 5), transmitting the bid to a seller (column 7, lines 1-3) and receiving a bid acceptance from the seller (column 7, lines 5-8). It would be obvious to one of ordinary skill in the art to combine the method of receiving and accepting bids for offers of purchase for used equipment for sale in an electronic environment as disclosed by Tozzoli with the electronic method of selling and buying used equipment as disclosed by Muniz. The motivation would be to offer a completely electronic method by which would be offered for sale, bidding on by a buyer, and the bid accepted by the seller.

Muniz does not disclose wherein providing technical services comprises at least one of providing system inspection services, providing system audit services, providing system decontamination services, and providing system refurbishment services.

However, Muniz discloses the method in which buyers are offered links to other web pages (page 1, paragraph 0007; page 12, paragraph 0152), directed to other vendors providing complementary goods or services (page 5, paragraph 0061). Muniz offers information per industry titles such as manufacturing (page 4, paragraph 0059; page 6, paragraph 0080) and customer service links and links to providers and information regarding their products and services (page 10, paragraph 0128; page 11, paragraph 0129). It would be obvious to one of ordinary skill in the art that the types of services as cited in the present application would be offered in coordination with the selling of used

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equipment. The motivation would be that when purchasing used equipment, the purchaser needs basic services completed in order to evaluate the condition of the equipment through inspections and audits, and then to clean and make any repairs or adjustments required through decontamination and refurbishment. Muniz discloses providing technical services to used equipment purchases through links by which services required related to used equipment are available. While Muniz does not specifically disclose titles for those services, one of ordinary skill in the art would understand that services such as inspection, auditing, decontamination and refurbishment would be among those from which the purchaser could select through the web links.

Regarding claim 2, Muniz discloses the method further comprising arranging for the shipment of equipment (integrated circuit manufacturing system or other equipment per the combination and motivation provided in claim 1) available for purchase from the seller to the buyer (page 12, paragraph 0152).

Regarding claim 3, Muniz discloses the method wherein posting the information further comprises posting information representative of the equipment (integrated circuit manufacturing system or other equipment per the combination and motivation provided in claim 1) available for purchase on an Internet web site (page 4, paragraph 0057-0059; page 5, paragraphs 0060-0063; page 6, paragraphs 0078-0080; page 7, paragraph 0083).

Regarding claim 4, Muniz discloses the method wherein posting the information further comprises electronically disseminating information regarding the equipment (integrated circuit manufacturing system or other equipment per the combination and motivation provided in claim 1) available to purchase to targeted potential buyers (page 6, paragraph 0076; page 7, paragraph 0088 and 0090).

Regarding claim 5, Muniz discloses the method wherein electronically disseminating information further comprises sending an electronic mail message (page 7, paragraphs 0084 and 0088).

Regarding claim 6, Muniz discloses the method wherein receiving an electronically transmitted bid further comprises receiving an electronic bid message in a host equipment (integrated circuit manufacturing system or other equipment per the combination and motivation provided in claim 1) sales web site (page 1, paragraphs 0001-0010; page 4, paragraphs 0051-0053 and 0056-0057).

Regarding claim 7, Muniz does not disclose the method wherein providing technical services comprises at least one of providing system decontamination services and providing system refurbishment services. However, Muniz discloses the method in which buyers are offered links to other web pages (page 1, paragraph 0007; page 12, paragraph 0152), directed to other vendors providing complementary goods or services

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(page 5, paragraph 0061). Muniz offers information per industry titles such as manufacturing (page 4, paragraph 0059; page 6, paragraph 0080) and customer service links and links to providers and information regarding their products and services (page 10, paragraph 0128; page 11, paragraph 0129). It would be obvious to one of ordinary skill in the art that any number of the links to related web sites within the manufacturing industry and the products and services offered by providers for interested buyers could include information related to providing system decontamination services and providing system refurbishment services. The motivation would be that these are basic services in a transaction related to buying and selling previously-owned equipment and a buyer would want to access links via the website in order to secure such services if equipment were going to be purchased.

Regarding claim 8, Muniz discloses the method further comprising providing payment (page 8, paragraph 0101) and shipping arrangements between the buyer and seller (page 12, paragraph 0152).

Regarding claim 9, Muniz does not disclose the method wherein the payment arrangements further comprise at least one of an online escrow account arrangement, a cash on delivery arrangement, a credit arrangement, and a billable account set up with a host web site. However, Tozzoli discloses the method wherein the payment arrangements further comprise at least one of an online escrow account arrangement, a cash on delivery arrangement, a credit arrangement, and a billable account set up with



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a host web site (column 1, lines 22-67). It would be obvious to one of ordinary skill in the art to include the use of offering specific means of payment for goods purchased as disclosed by Tozzoli with the on-line selling and buying system as disclosed by Muniz. The motivation would be to complete the sale on line via commonly used methods of conducting electronic commerce financial transactions.

Regarding claim 10, Muniz does not disclose the method further comprising receiving identification information from buyers and sellers, the identification information being calculated to facilitate secure access to the electronically viewable medium. However, Tozzoli discloses the method further comprising receiving identification information from buyers and sellers, the identification information being calculated to facilitate secure access to the electronically viewable medium (column 5, lines 24-38; column 6, lines 10-22). It would be obvious to one of ordinary skill in the art to combine the use of secure access to a selling and buying web site as disclosed by Tozzoli with the on-line selling and buying system as disclosed by Muniz. The motivation would be that when operating within a web site for the purpose of conducting secure financial transactions, it is old and well known to require passwords and various types of identification in order to validate and authorize users of the web site.

Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muniz and Tozzoli, and further in view of U.S. Patent No. 6,058,417 to Hess et al. (further referred to as eBay).

Regarding claim 11, Muniz discloses a method for selling used equipment through an integrated electronic sales and technical service platform (page 1, paragraphs 0001-0011; page 2, paragraphs 0014 and 0017-0018; page 4, paragraph 0052-0053 and 0057-0059; page 5, paragraphs 0060-0063; page 6, paragraphs 0078-0080; page 7, paragraph 0083; page 12, paragraph 0152), comprising:

Posting information regarding pre-owned equipment available for purchase on an Internet web site (page 4, paragraphs 0052-0053 and 0057-0059);

Providing integrated technical services related to the sale of the pre-owned equipment through the Internet web site (page 2, paragraphs 0017-0018; page 4, paragraph 0057-0059; page 5, paragraphs 0060-0063; page 6, paragraphs 0078-0080; page 7, paragraph 0083).

Muniz does not disclose where the pre-owned equipment for sale is an integrated circuit manufacturing system. However, Examiner takes Official Notice that it is old and well known to sell many types of used equipment online, such as refurbished computers. Therefore, it would be obvious to one of ordinary skill in the art that the method established for selling used equipment via an online system as disclosed by Muniz could be used for selling any type of used equipment including an integrated circuit manufacturing system. The motivation would be to sell used integrated circuit manufacturing system equipment in an environment which facilitates an open sales arrangement to secure a sale efficiently and in a cost effective manner.

Muniz does not disclose receiving an electronic purchase bid for a specific pre-owned equipment on the Internet web site. However, eBay discloses receiving bids for specific items (which could include pre-owned equipment) on the Internet web site (column 1, lines 46-58). It would be obvious to one of ordinary skill in the art to combine the offering of particular items for sale as disclosed by eBay with the on-line selling and buying system as disclosed by Muniz. The motivation would be that a seller wishes to sell a particular item as opposed to one of many items and therefore distinguishing the particular item for sale is necessary.

Muniz does not disclose transmitting the electronic purchase bid to a seller of the specific pre-owned equipment system; and receiving a purchase bid acceptance from the seller. However, Tozzoli discloses transmitting the electronic bid to a seller of the (specific per combination and motivation above) pre-owned equipment system (column 7, lines 1-3) and receiving a bid acceptance from the seller (column 7, lines 5-8). It would be obvious to one of ordinary skill in the art to combine the method of transmitting and accepting bids for offers of purchase for used equipment for sale in an electronic environment as disclosed by Tozzoli with the electronic method of selling and buying used equipment as disclosed by Muniz. The motivation would be to offer a completely electronic method by which would be offered for sale, bidding on by a buyer, and the bid accepted by the seller.

Muniz does not disclose wherein providing technical services comprises at least one of providing system inspection services, providing system audit services, providing system decontamination services, and providing system refurbishment services.

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However, Muniz discloses the method in which buyers are offered links to other web pages (page 1, paragraph 0007; page 12, paragraph 0152), directed to other vendors providing complementary goods or services (page 5, paragraph 0061). Muniz offers information per industry titles such as manufacturing (page 4, paragraph 0059; page 6, paragraph 0080) and customer service links and links to providers and information regarding their products and services (page 10, paragraph 0128; page 11, paragraph 0129). It would be obvious to one of ordinary skill in the art that the types of services as cited in the present application would be offered in coordination with the selling of used equipment. The motivation would be that when purchasing used equipment, the purchaser needs basic services completed in order to evaluate the condition of the equipment through inspections and audits, and then to clean and make any repairs or adjustments required through decontamination and refurbishment. Muniz discloses providing technical services to used equipment purchases through links by which services required related to used equipment are available. While Muniz does not specifically disclose titles for those services, one of ordinary skill in the art would understand that services such as inspection, auditing, decontamination and refurbishment would be among those from which the purchaser could select through the web links.

Regarding claim 12, Muniz discloses the method wherein posting information further comprises:

Electronically receiving information regarding equipment (integrated circuit

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manufacturing system or other equipment per the combination and motivation provided in claim 11) available for purchase from a seller (page 4, paragraph 0057-0059);

Converting the electronically received information into a format suitable for display on the Internet web site (page 4, paragraph 0053); and

Displaying information representative of the equipment (integrated circuit manufacturing system or other equipment per the combination and motivation provided in claim 11) available for purchase on the Internet web site for viewing by potential purchasers (page 1, paragraphs 0001-0010; page 4, paragraph 0052-0053).

Regarding claim 13, Muniz discloses the method wherein posting further comprises disseminating information regarding the equipment (integrated circuit manufacturing system or other equipment per the combination and motivation provided in claim 11) available for purchase to predetermined potential buyers (page 6, paragraph 0076; page 7, paragraph 0088 and 0090).

Regarding claim 14, Muniz does not disclose the method wherein providing technical through the Internet web site comprises providing at least one of system decontamination services and system refurbishment services. However, Muniz discloses the method in which buyers are offered links to other web pages (page 1, paragraph 0007; page 12, paragraph 0152), directed to other vendors providing complementary goods or services (page 5, paragraph 0061). Muniz offers information per industry titles such as manufacturing (page 4, paragraph 0059; page 6, paragraph

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0080) and customer service links and links to providers and information regarding their products and services (page 10, paragraph 0128; page 11, paragraph 0129). It would be obvious to one of ordinary skill in the art that any number of the links to related web sites within the manufacturing industry and the products and services offered by providers for interested buyers could include information related to providing system decontamination services and providing system refurbishment services. The motivation would be that these are basic services in a transaction related to buying and selling previously-owned equipment and a buyer would want to access links via the website in order to secure such services if equipment were going to be purchased.

Regarding claim 15, Muniz does not disclose the method wherein receiving an electronic purchase bid further comprises receiving an electronic purchase bid having at least one condition of sale relating to technical services to be conducted on the pre-owned integrated circuit manufacturing system. However, based on the combination and motivation as set forth in claim 14, any of these services could be elected as part of the purchase bid. It would be obvious to one of ordinary skill in the art that if these services were available to buyers, that buyers may elect to include them in their bid. The motivation would be to purchase services generally required with the purchase of previously-used equipment at the time of purchase through associated links on the web site.

Regarding claim 16, Muniz does not disclose the method wherein transmitting the electronic purchase bid to a seller further comprises sending an electronic mail message to the seller. However, Tozzoli discloses the method wherein transmitting the electronic purchase bid to a seller further comprises sending an electronic mail message to the seller (column 7, lines 55-65). It would be obvious to one of ordinary skill in the art to combine the use of electronic mail notifying the seller of a bid as disclosed by Tozzoli with the electronic method of selling and buying used equipment as disclosed by Muniz. The motivation would be to use a common communication mode when operating in an Internet environment to notify the seller of an awaiting bid.

Regarding claim 17, Muniz discloses the method further comprising providing at least one payment (page 8, paragraph 0101) and shipping (page 12, paragraph 0152) option to the buyer.

Regarding claim 18, Muniz does not disclose the method wherein the at least one payment arrangement further comprises at least one of an online escrow account, a cash on delivery arrangement, a credit arrangement, and a billable account set up with a host web site. However, Tozzoli discloses the method wherein the at least one payment arrangement further comprise at least one of an online escrow account, a cash on delivery arrangement, a credit arrangement, and a billable account set up with a host web site (column 1, lines 22-67). It would be obvious to one of ordinary skill in the art to include the use of offering specific means of payment for goods purchased as disclosed

by Tozzoli with the on-line selling and buying system as disclosed by Muniz. The motivation would be to complete the sale on line via commonly used methods of conducting electronic commerce financial transactions.

Regarding claim 19, Muniz does not disclose the method further comprising receiving identification information from buyer and the seller, the identification information may be used to provide secure access to the Internet web site. However, Tozzoli discloses the method further comprising receiving identification information from a buyer and the seller, wherein the identification information may be used to provide secure access to the Internet web site (column 5, lines 24-38; column 6, lines 10-22). It would be obvious to one of ordinary skill in the art to combine the use of secure access to a selling and buying web site as disclosed by Tozzoli with the on-line selling and buying system as disclosed by Muniz. The motivation would be that when operating within a web site for the purpose of conducting secure financial transactions, it is old and well known to require passwords and various types of identification in order to validate and authorize users of the web site.

### ***Response to Arguments***

Applicant's arguments filed May 11, 2006 have been fully considered but they are not persuasive. While Muniz does not specifically disclose providing technical services that include system inspection services, system audit services, system decontamination services, and system refurbishment services, it would be obvious to one of ordinary skill



in the art that these types of services would be offered in coordination with the selling of used equipment. When purchasing used equipment, a purchaser needs basic services completed in order to evaluate the condition of the equipment through inspections and audits, and then to clean and make any repairs or adjustments required through decontamination and refurbishment. Muniz discloses where technical services are provided related to used equipment purchases through links by which services required related to used equipment are available. While Muniz does not specifically disclose titles for those services, one of ordinary skill in the art would understand that services such as inspection, auditing, decontamination and refurbishment would be among those from which the purchaser could select through the integrated web links.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3628

  
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